



Michigan Department of Consumer and Industry Services
Bureau of Construction Codes
Interpretation No: 99-01
Building Code - Section 114.1

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DEPARTMENT OF
CONSUMER & INDUSTRY SERVICES

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TO: Members of the State Construction Code Commission
FROM: Henry L. Green
SUBJECT: Request for Interpretation - Requirements for Submission of Sealed Plans for Single Family Dwellings

BUREAU OF CONSTRUCTION CODES
ADMINISTRATION DIVISION

Question: Are plans, signed and sealed in accordance with the Michigan Occupational Code, required for single family residential structures exceeding 3,500 square feet in area when the basement is unfinished?

Answer: No.

Commentary: Technical Bulletin No. 3 was issued on December 1, 1990, addressing the requirements for submission of plans for single family dwellings. The bulletin concluded:

"It is abundantly clear that sealed plans are required for residential structures exceeding 3,500 square feet in area. The remaining question is what constitutes "nonhabitable space" for the purposes of exempting areas from the area calculation.

Act No. 299, PA 1980, as amended, provides that unfinished and nonhabitable portions of basements should not be included in the calculation. Without specific criteria within this Act, reliance is given on the ruling rendered by the Construction Code Commission for purposes of determining when plans are required to be submitted under the State Construction Code Act and what constitutes a habitable basement.

Therefore, basements which are unfinished and nonhabitable, as provided by the Michigan Building Code criteria, should not be included in the area determination for purposes of requiring sealed plans."

In a decision rendered in the matter of Edward Rose v Ypsilanti Township (Appeal Docket No. CCC 79-01) the Commission determined that in order to qualify as a habitable space, a basement would be required to meet all of the code criteria for habitability, including provisions for height, means of egress, light and ventilation, and interior finishes.

The Michigan Building Code provides an exemption for submission of sealed plans for single family dwellings, specifically those containing not more than 3,500 square feet of building area.

Section 114.1 (b) provides this exemption as follows:

106.1

REFERENCE TO
PA 299, 1980

"This section shall not apply to...a building of use group R-3 or R-4 containing not more than 3,500 square feet of calculated floor area."

This requirement is directly related to the provisions of the Michigan Occupational Code, Act No. 299, PA 1980, as amended, which exempts for the calculation certain areas of the structure which are deemed nonhabitable. The term "calculated floor area" is defined as:

"...that portion of the total gross area measured to the outside surface of the exterior walls intended to be habitable, including a heater or utility room, but not including a crawl space; unfinished and nonhabitable portions of a basement or attic; or a garage, open porch, balcony, terrace or court."

This law does not provide a definition of habitable space. The Michigan Building Code defines habitable space in Section 1202 as:

"Space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces."

In the Rose v Ypsilanti Township decision, it was concluded in order for a basement to qualify as a habitable space, it must meet all of the code criteria for habitability. Specifically the decision noted:

"...in order to qualify as a habitable space, a basement would be required to meet all code criteria for a habitable space including provisions for height, means of egress, light and ventilation, and interior finishes."

Therefore, a basement that does not meet the criteria for habitable space, as provided by the Michigan Building Code, and is unfinished is not included in the calculated area for purposes of determining requirements for submission of sealed plans under this section of the code.

Approved: March 3, 1999